

## REMARKS

### I. Introduction

With the cancellation herein without prejudice of claims 6 and 7, claims 1 to 5, 8 and 9 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### II. Objection to Claim 8

As regards the objection to claim 8, it is believed and respectfully submitted that the phrase "an arrangement configured to successively apply" is grammatically correct, as opposed to the suggested change to --an arrangement configured to successively applying--. Thus, claim 8 remains unamended. Withdrawal of this objection is therefore respectfully requested.

### III. Rejection of Claims 1 to 7 Under 35 U.S.C. § 101

As regards the rejection of claims 1 to 7 under 35 U.S.C. § 101, the Office Action has plainly failed to set forth a prima facie case, for which the Office bears the initial burden. In re Oetiker, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992). Rather, the Office Action merely alleges that claims 1 to 7 "do not produce a real life, real world, useful, concrete, and tangible result." Should the present rejection be maintained, the Examiner is respectfully requested to explain on the record the basis for why a claim is considered to be for an abstract idea with no practical application. Until then, the burden has not shifted to Applicants to show why the claims are eligible for patent protection.

Notwithstanding the foregoing, and to facilitate matters, it is respectfully submitted that claims 1 to 7 plainly comply with 35 U.S.C. § 101. In this regard, claims 1 to 7 fall squarely within one of the four statutory categories, i.e., a process.

Furthermore, as stated, for example, on page 2 of the Specification, a method is provided by which an identification of a drive system may be possible in a simple manner. As further stated at page 3, lines 11 to 12, the method may improve the result of the identification of the target system in the drive system.

Moreover, the present claims are not directed to nothing more than abstract ideas, natural phenomena or laws of nature.

Furthermore, claim 1, for example, recites “successively applying a plurality of noise signals to [a] drive system as input signals,” which constitutes a sufficient transformation of an article to a different state or thing to end any inquiry into whether the present claims satisfy the requirements of 35 U.S.C. § 101.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Rejection of Claims 1 to 3, 6, 8 and 9**

Claims 1 to 3, 6, 8 and 9 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,483,467 (“Bates”). It is respectfully submitted that Bates does not anticipate the present claims as amended herein for at least the following reasons.

As an initial matter, claim 6 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 6.

In addition, while Applicants do not necessarily agree with the present rejection, claim 1 has been amended herein without prejudice to include the features included in claims 6 and 7, both of which have been canceled herein without prejudice. The Office Action does not even allege that Bates discloses the features recited in claim 7. As such, it appears that claim 7 was not considered by the Examiner to be anticipated by Bates or otherwise unpatentable over Bates.

Moreover, Bates does not relate in any manner whatsoever to a method for analyzing a drive system, and it is not readily apparent that Bates discloses, or even suggests, successively applying a plurality of noise signals to a drive system as input signals. The Office Action refers to col. 4, lines 46 to 52 of Bates as allegedly disclosing this feature. However, any review of col. 4, lines 46 to 52 makes plain that successively applying a plurality of noise signals to a drive system as input signals is in no manner disclosed. In this regard, the text appearing at col. 4, lines 46 to 52 is reproduced below and plainly does not disclose, or even suggest, successively applying a plurality of noise signals to a drive system as input signals:

reading output of the desired time difference.

I claim:

1. A system for determining the transfer function of an electrical apparatus, having an input and an output, 50 over a predetermined range of frequencies in accordance with an input signal fed thereto from the output of a frequency signal generator, comprising in combination:

In addition to the foregoing, claim 1 has been amended herein without prejudice to recite “[a] method for analyzing a drive system by determining an open loop transfer function of a target system that is part of the drive system in a closed loop configuration.” Support for this amendment may be found, for example, on page 1, line 28 to page 2, line 15 and page 5, line 2 to page 6, line 11 of the Specification. This makes even more clear that Bates does not anticipate claim 1.

As for claims 2 and 3, which ultimately depend from claim 1 and therefore include all of the features recited in claim 1, it is respectfully submitted that Bates does not anticipate these dependent claims for at least the same reasons more fully set forth above.

Claims 8 and 9 have been amended herein in analogous manner as claim 1. As such, it is respectfully submitted that Bates does not anticipate claims 8 and 9 for at least the same reasons set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### V. Claims 4 and 5

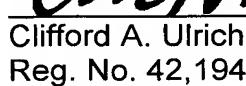
As regards claims 4 and 5, these claims have been repeatedly indicated to include allowable subject matter. As such, each of claims 4 and 5 has been rewritten herein in independent form to include all of the features of its respective base claim and any intervening claims. It is therefore believed and respectfully submitted that claims 4 and 5 are in condition for immediate allowance.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: August 4, 2006 By:



Clifford A. Ulrich  
Reg. No. 42,194

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**